

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed November 16, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Drawings Objection**

The drawings have been objected to under 37 C.F.R. 1.83(a) because Figure 5 contains a spelling error.

In response to this objection, the spelling error in Figure 5 has been corrected. A replacement sheet has been enclosed. No new matter has been added. Applicant respectfully submits that the drawings are acceptable, and requests that the objection be withdrawn.

### **II. Claim Rejections - 35 U.S.C. § 102(e)**

Claims 1-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Moro, et al. ("Moro," U.S. Pat. No. 6,327,051). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Moro reference. Applicant discusses Applicant's claims and the Moro reference in the following.

Moro discloses a system in which a printer driver setting is compared to a state of a printer to determine if the setting and the state agree. For example, in describing a “Fifth Embodiment,” Moro states:

In this embodiment, it is determined whether selection of paper size of the printer driver and the size of the paper actually placed in the printer agree. If the two do not agree, an error display is presented and printing is suspended or the paper is changed. (Moro, column 25, lines 53-57)

As a further example, in describing a “Seventh Embodiment,” Moro states:

Described next will be a printing system in which when the setting of the printer driver and the setting of the printer differ, the setting of the printer driver is changed in conformity with the setting of the printer without an error display being presented. A case in which the printing heads differ in a manner similar to that of the third embodiment will be described as an example. (Moro, column 27, lines 39-45)

Despite those teachings, Moro does *not* teach a system in which a printer driver setting is checked to determine whether that setting would adversely affect print quality, print speed, or consumption of printing device consumables. Regarding print quality, the example cited in the Office Action, regarding selection of the wrong paper size or use of the wrong print head (e.g., color versus monochrome), does not pertain to print quality. As is known in the art, “print quality” pertains to the quality of the images (e.g., text and/or graphics) that are printed on the page, *not* the size of the paper or the color of the ink/toner printed on that paper. To clarify this distinction, claims 1, 9, and 13 have been amended to recite “the quality of *images printed on* the print media” (emphasis added).

Regarding print speed, the Office Action's example that a print cartridge not being installed adversely affects "print speed" lacks merit. As is known in the art, print speed is a measure of how quickly printing is *actually performed*. Whether printing is feasible or not feasible has nothing to do with the speed at which printing can be performed. To clarify this distinction, claims 1, 8, 13, 18, and 23 have been amended to recite "the speed at which printing *is performed*" (emphasis added).

Regarding consumption of consumables, the Office Action's example that a print cartridge not being installed adversely affects "consumption of a printing device consumable" also lacks merit. Specifically, when printing is not possible, one could argue that such a situation is *beneficial to* consumable consumption, i.e., less consumables are used. To clarify this distinction, claims 1, 8, 13, 18, and 23 have been amended to recite "result in consumption of large amounts of printing device consumables".

In view of the foregoing, Applicant respectfully submits that Moro does not anticipate Applicant's claims. Applicant therefore requests that the rejection be withdrawn.

Applicant notes that some of the limitations described in the foregoing contain relative terminology. Applicant respectfully asserts that terminology is proper as per MPEP §2173.05(b).

As a further point, Applicant notes that, contrary to that alleged in the Office Action, Moro does not teach "providing an indication of the degree of severity of the adverse result" as is recited in claim 6 (similar recitations contained in claims 20 and 25). The argument that Moro's indication that a paper size is wrong equates to an indication of the degree of severity of the adverse result is an unwarranted interpretation of the meaning of "indication of the degree of severity". As is described in Applicant's

specification, Applicant's invention, in some embodiments, can not only identify the problem, but further describe to the user how severe the problem is. Moro's system clearly does no such thing.

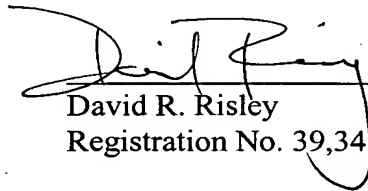
### **III. Canceled Claims**

As identified above, claims 4, 10, and 14 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

### CONCLUSION

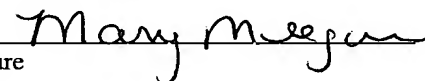
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
David R. Risley  
Registration No. 39,345

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

1-13-05

  
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